

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,

Plaintiff,

C.A. No. 06-663-SLR

V.

CORDIS CORPORATION,

Defendant.

**CORDIS CORPORATION'S MOTION TO DISMISS PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1) OR,
IN THE ALTERNATIVE, TO DISMISS OR STAY THIS ACTION
PENDING RESOLUTION OF THE CO-PENDING ACTION
IN THE DELAWARE COURT OF CHANCERY**

Defendant Cordis Corporation, by and through its undersigned counsel, hereby moves to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(1) or, in the alternative, to dismiss or stay this action pending resolution of the co-pending action in the Delaware Court of Chancery. The specific grounds for, as well as the arguments supporting, this motion are contained in the Opening Brief in Support of Cordis' Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1) or, in the Alternative, to Dismiss or Stay this Action Pending Resolution of the Co-Pending Action in the Delaware Chancery Court that had been filed contemporaneously herewith.

ASHBY & GEDDES

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Date: November 16, 2006

*Attorneys for Defendant
Cordis Corporation*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,

Plaintiff,

v.

CORDIS CORPORATION,

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C.A. No. 06-663-SLR

**ORDER GRANTING CORDIS CORPORATION'S MOTION TO DISMISS PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1) OR,
IN THE ALTERNATIVE, TO DISMISS OR STAY THIS ACTION
PENDING RESOLUTION OF THE CO-PENDING ACTION
IN THE DELAWARE COURT OF CHANCERY**

The Court having considered Cordis Corporation's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1) Or, In The Alternative, To Dismiss Or Stay This Action Pending Resolution of The Co-Pending Action In The Delaware Court of Chancery and Wyeth's response thereto;

IT IS HEREBY ORDERED this ____ day of _____, 2006 that Cordis' motion is GRANTED.

Chief Judge

CERTIFICATE OF SERVICE

I, Richard L. Renck, hereby certify that on the 16th day of November, 2006, true and correct copies of **CORDIS CORPORATION'S MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1) OR, IN THE ALTERNATIVE, TO DISMISS OR STAY THIS ACTION PENDING RESOLUTION OF THE CO-PENDING ACTION IN THE DELAWARE COURT OF CHANCERY** and **Certificate of Service** were served upon the following counsel as noted:

Jack B. Blumenfeld, Esquire
Morris Nichols Arsht & Tunnell
1201 North Market Street, P.O. Box 1347
Wilmington, DE 19899-1347

VIA HAND DELIVERY

/s/ Richard L. Renck (I.D. #3893)

Richard L. Renck (#3893)